

My Copy

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
GENERAL TRIAL DIVISION

STATE OF OHIO	:	CASE NO. B-97 06964
Plaintiff	:	JUDGE NEIHAUS
vs.	:	<u>DEFENDANT'S MOTION FOR LEAVE</u>
REGINALD ALLEN	:	<u>TO FILE SUPPLEMENT TO R.C. §</u>
Defendant	:	<u>2953.21 PETITION TO VACATE</u>
	:	<u>AND/OR SET ASIDE SENTENCE</u>

Comes now the Defendant, Reginald Allen, and moves this Court for leave to file a supplement to the Petition To Vacate and/or Set Aside Sentence pursuant to R.C. §2953.21 filed in this Court on August 6, 1999. The proposed supplement merely furnishes an affidavit in support of the contentions made within the original petition as filed, and no amendment of the substantive issues are made.

In the event that this Court grants leave to supplement the filings, the Defendant hereby requests that he be permitted to file a memorandum in support of the issues presented in the original petition, in consideration of the newly available evidence.

Respectfully submitted,

Reginald Allen #358308
REGINALD ALLEN
P.O. BOX 7010 RCI
CHILLICOTHE, OHIO 45601

DEFENDANT PRO SE

FILED
Nov 9 3 37 PM '99
JAMES CISSELL
CLERK OF COURTS
HAMILTON COUNTY, OHIO

EXHIBIT

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing motion has been served upon the Hamilton County prosecuting Attorney, Michael K. Allen and Phillip R. Cummings APA at 230 East Ninth Street, Suite 4000, Cincinnati, Ohio 45202 via regular U.S. Mail on this 3rd day of NOV, 1999.

Reginald Allen
REGINALD ALLEN

DEFENDANT

11. That I was available for Attorney Donnett to contact me at the relevant times, but I was not contacted by counsel whatsoever.

12. That I am still willing to testify in the event that the matter goes back to a trial regarding the above stated facts as relayed herein.

AFFIANT FURTHER SAYETH NAUGHT.

SWORN AND SUBSCRIBED IN MY PRESENCE THIS 26th DAY OF October, 1999.

Gladys E. Mahaffey
NOTARY PUBLIC

Anthony A. Clayborn
ANTHONY CLAYBORN AFFIANT

SEAL



GLADYS E. MAHAFFEY
Notary Public, State of Ohio
My Commission Expires May 29, 2001

STATE OF OHIO

S.S.: AFFIDAVIT OF ANTHONY CLAYBORN

COUNTY OF HAMILTON

I, Anthony Clayborn, being duly sworn, depose, and state the following to be true and correct as I verily believe:

1. That I am an Ohio Citizen of sound mind with relevant knowledge of the matter of State v. Allen, Hamilton County Court of Common Pleas Case No. B-97-06964.

2. That I personally knew Reginald Allen and Debra Shepherd based upon a personal friendship with both parties during the relevant times of the alleged criminal conduct in 1997, and thereafter.

3. That I was not contacted by Attorney David D. Donnett at any juncture prior to, during, or after the trial of the case as set forth in paragraph number 1 of this affidavit.

4. That any allegations of Attorney Donnett stating that he had in fact contacted me are false.

5. That had I been contacted and/or subpoenaed for the trial, I would have had relevant and exculpatory testimony to offer for the defense as reflected below.

6. That I was personally told by Debra Shepherd, subsequent to the trial, that she did not know for sure if Reginald was the perpetrator whom had entered her home and stabbed her on September 17-18, 1997.

7. That prior to the trial Debra Shepherd personally stated that she was not sure who had attacked her, although she "though maybe it was Reginald because they were fighting over Reginald's seeing other women during that time".

8. That prior to the incident of September 17-18, 1997, Debra and Reginald were in fact having problems in their relationship based upon Reginald's allegedly seeing other women.

9. That Debra Shepherd has made numerous comments that reflect that she is not sure if reginald was the perpetrator, but that it didn't matter now because he is already convicted and he "deserved it anyway because he was seeing other women behind her back".

10. That had I been called I would have testified to these facts at the trial of the case; and, that I informed Reginald of these facts prior to the trial and after the trial, as applicable; and that Reginald relayed these facts to his Attorney and instructed Attorney Donnett to contact me for trial purposes.